



**SPECIAL CALLED
CITY COUNCIL MEETING
FRISCO CITY HALL**

**GEORGE PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TX 75034**

2:00 PM

MONDAY, MARCH 08, 2010

MINUTES

Mayor	Maier Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

Mayor Maso called the meeting to order at 2:02 p.m. and announced that all members were present representing a quorum.

Representing staff were City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistant's to the City Manager, John Eaglen, Ben Brezina, and Daniel Ford; City Attorney, Richard Abernathy; and City Secretary Jenny Page.

1. ROLL CALL

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;
- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice on the Arts of Collin County Project.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
 - i. South of US 380, North of The Colony city limits and North of 121, East of FM 423, and West of Hillcrest Road
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

Bob Allen moved to Recess at 2:09 p.m. Jeff Cheney seconded the motion. All were in favor. 6-0

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Pat Fallon moved to Reconvene at 2.57 p.m. Jeff Cheney seconded the motion. All were in favor. 6-0

Mayor Maso continued to Item 4 to address any action necessary as a result of the Closed Session.

REGULAR AGENDA

4. Consider and Act Upon an Ordinance Ordering an Election for the Purpose of Submitting to the Qualified Voters of Frisco a Proposition to Revoke the Authority to Issue Bonds for a Performing Arts Center Also Known as the Arts of Collin County Project.

Mayor Maso addressed the audience with a brief statement that due to the extensive citizen comments from the last meeting, he was not going to allow comment time in today's meeting but would ask the City Secretary to enter into the record the names and opinions of the Citizen Comments Cards that were turned in.

In Favor of Item 4 calling an election:

Donny McIver, 8571 David Dr., Frisco, Texas 75034
Ron Sexton, 5231 Mohawk Dr., Frisco, Texas 75034
Jacalyn Burke, 7093 Bay Hill Dr., Frisco, Texas 75034
Joan Stephens, 4497 Liam Drive, Frisco, Texas 75034
Lorie Medina, 4308 Shamrock Dr., Frisco, Texas 75034
Pete Skarnulis, 7255 Maumee Valley, Frisco, Texas 75034
Robert Savoy, 7400 St. Petersburg Dr., Frisco, Texas 75034
H. A. Gibson, 7570 Angel Trace Drive, Frisco, Texas 75034
Dale & Susan Schaub, 3156 Hampshire Ct., Frisco, Texas 75034
Brooke Stephens, 4497 Liam Dr., Frisco, Texas 75034
Gina Gabriano, 5040 Lorraine Dr., Frisco, Texas 75034
Jean Swan, 5321 Promise Land Dr., Frisco, Texas 75035
Toni Fabry, 4992 Iroquois Dr., Frisco, Texas 75034
John Miller, 3156 White Spruce Dr., Frisco, Texas 75034
Sarah Panizzi, 7912 Brijetta Dr., Frisco, Texas 75034
A. C. "Toby" Richesin, 603 Pine Hills Dr., Frisco, Texas 75034

In Opposition of Item 4 calling an election:

Beverly Jacob, 5527 Widgeon Way, Frisco, Texas 75034
Marilyn Wentz, 5403 Widgeon Way, Frisco, Texas 75034
Dr Jim Joyner, 9950 Littlehorn Cr., Frisco, Texas 75035
Julie Karnes, 5504 Seapines, Plano, Texas 75093
Christina Andra, *(No Phy. Address on Card)*
Daphne C. Arnold, 2705 Ridge View Rd., Frisco, Texas 75034
Gay Worley, 5592 Hidden Creek Ln., Frisco, Texas 75034
Kathy Chamberlain, 3003 W. 15th St., Plano, Texas 75075
Amy Deatherage, 12596 Cajun Dr., Frisco, Texas 75035
Hal Deatherage, 12596 Cajun Dr., Frisco, Texas 75035
Joe Layne, 2701 Ithaca Ct., Frisco, Texas 75025
Debbie Watson, *(No Phy. Address on Card)*
Carol Layne, *(No Phy. Address on Card)*
Frank Rosamond, 1743 Sandstone Dr., Frisco, Texas 75034
Lianne Friedel, 867 Burnswick, Frisco, Texas 75034
Hal Colvin, 1538 Morris Lane, Frisco, Texas 75034
Judith Brody, 7532 St. Petersburg Dr., Frisco, Texas 75034
Betty Jo King, 8370 Fair Oaks Dr., Frisco, Texas 75034
James J. Buchanan, 2 Shadow Ridge Ct., Frisco, Texas 75034
Linda Pardue, 11540 Valverde, Frisco, Texas 75034
Richard Silverston, 5325 Quail Run, Frisco, Texas 75034
Terri Green, 10800 Belle Chasse Ln., Frisco, Texas 75035
Robert Medigovich, 8659 Woodstream, Frisco, Texas 75034

Cathy Green, 11013 Amelina, Frisco, Texas 75035
Curtis Wade, 11700 Leganon Rd., Frisco, Texas 75035
Cynthia Hurley, 8106 Fisher Dr., Frisco, Texas 75034
Ken Pardue, *(No Phy. Address on Card)*
Tracie Reveal Shipman, 10141 Calvery Ct., Frisco, Texas 75035
Clark Lund, 5536 Southern Hills, Dr., Frisco, Texas 75034
Pam Wendland, 10950 Research Rd, Frisco, Texas 75034
William White, 6269 Choctaw Pl., Frisco, Texas 75034
Chuck Green, 11013 Amelina, Frisco, Texas 75035
Ana Stevens, 5020 Rushden Rd, McKinney, Texas 75070
John Classe, 14688 Ballentrae Dr., Frisco, Texas 75035
Jerry W. Edwards, 14598 Holly Leaf, Frisco, Texas 75035
Jerry Lynn Edwards, 14598 Holly Leaf, Frisco, Texas 75035
Jim Woesner, 5358 Moss Glen Dr., Frisco, Texas 75034
Bob Ferrier, 1641 Crowcrett Dr., Frisco, Texas 75034
Sandy Sutton, 3900 Veneto Dr., Frisco, Texas 75034
Bill Hayes, 9413 Prestmont, Frisco, Texas 75035
Marcine Gray, 10 Cypress Point Ct., Frisco, Texas 75034
Bob Gray, 10 Cypress Point Ct., Frisco, Texas 75034
Amy McMillin, 4408 Rock Springs, Dr, Frisco, Texas 75024
Craig Sundell, 480 Montclair Dr., Allen, Texas 75013
Robert King, 8370 Fair Oaks Dr., Frisco, Texas 75034
Donna Anderson, 10813 Pioneer Dr., Frisco, Texas 75034
Ashley Mergen, 5635 Widgeon Way, Frisco, Texas 75034
Angie Porter, 5653 Widgeon Way, Frisco, Texas 75034
Karen Silverston, 5325 Quail Run, Frisco, Texas 75034
Del Harris, 2745 Montreaux Dr., Frisco, Texas 75034
Ann Harris, 2745 Montreaux Dr., Frisco, Texas 75034
Sharon Weinberg, 8319 Fair Oaks, Frisco, Texas 75034
Robert Chambers, 6009 Star Trail Dr., Frisco, Texas 75034
John Reyes, 6302 Hunters Pkwy, Frisco, Texas 75035
Sara Kimmich, 8730 Crestview Dr., Frisco, Texas 75034
Michael Roe, 7190 Bay Hill Dr., Frisco, Texas 75034
Gerald Perrin 5312 Promise Land, Frisco, Texas 75035
T. Wagner, 3156 White Spruce Dr., Frisco, Texas 75034
Sue deMiller Minyard, 6 Innisbrook Ct., Frisco, Texas 75034
Jim Minyard, 6 Innisbrook Ct., Frisco, Texas 75034
Leslie Talbert, 295 Pebble Beach Dr., Frisco, Texas 75034
Patrick Raffa, 10092 Plainsman Lane, Frisco, Texas 75035
Larry Hansard, 1634 Torrey Pines Ln., Frisco, Texas 75034
Sandy Simpson, 5617 Widgeon Way, Frisco, Texas 75034
Jean Shuyler, 10420 Big Horn Trail, Frisco, Texas 75035
Lynn Shuyler, 10420 Big Horn Trail, Frisco, Texas 75035

Each Councilmember voiced their opinion:

David Prince felt that the issue was far too important and confusing to rush into a May 2010 election. He stated that when he left the meeting last week he understood that today's meeting would be to decide whether to revote in May or November 2010. Now he has come to realize that tonight, the Council was deciding to revote in May 2010 only. He would prefer that Council would encourage a referendum brought by the citizens for November voicing their support for the Arts Center and asked that Council instruct the City Attorney to inform the citizens on the detailed process involved in a petition for referendum. He asked that each Council member state if they would support a referendum. If they did not support it, he would vote for a revote for May 2010. Mr. Prince also felt that there should be more supervision in the operations of the ACC and he hoped that there would not be anymore division among the Council.

Pat Fallon felt that there should be more transparency from the ACC board and staff and suggested that the history, facts, and cost of the project be placed on the ACC web site so that taxpayers can be informed. He also suggested that the four ACC staff members' job descriptions and compensation packages be available as well as facts related to taxes after the sale of the bonds. He apologized that he had not taken the time earlier to meet with the Executive Director of the ACC and felt that there could be a better working relationship between the ACC and Council. Mr. Fallon stated that if a referendum was presented by the citizens by the proper procedures, it would hold much more weight in his opinion, than if Council voted to revote the sale of the bonds, but he could not support the sale of bonds at this time.

Bart Crowder voiced earlier that it was not this Council's place to overturn a prior vote by the citizens and he continued to feel that way but there were procedures in place to allow the citizens to voice a difference of opinion and hoped that all the divisiveness surrounding the issue could be overcome. He cautioned citizens not to get caught up in the issue of raising taxes at a local level as was the case at the national level. Mr. Crowder expressed a desire for more transparency from the ACC and involvement from Council in the decisions and operations of the project and felt the City could do a better job in that respect. He concluded by stating that he was in support of the project but supported the sale of the bonds at a later date and hoped no action would be taken today.

Jeff Cheney agreed with much of what had already been said and felt that there was much work to do for ACC and the partner Cities to come together as a team. Council and staff had voiced a concern in the summer about the City having higher priorities in this tough economic time. He did not feel that now was the time to sell bonds and thought that last week's vote forced Council members into one of two boxes. One, sell the bonds and move forward against

better judgment or two, act immediately and take the issue to the voters and possibly causing permanent damage to the project both of which they did not like the outcomes of. He felt that if forced the decision should come from the voters. Since then the response from citizens has been passionate and he realizes that there is great support for the project with many of the supporters agreeing that now is not the time to move forward. Mr. Cheney asked for an immediate workshop with ACC staff, Frisco board representatives and Council to clarify and give direction for moving forward. In conclusion, Mr. Cheney stated that this Council had voiced several times and as far back as budget discussions in September that now was not the time to sell bonds and he was satisfied with that outcome and open to taking no action today.

Bob Allen stated that his position had not changed since the last meeting and commented on the vast amount of email that he received that was categorized into three groups, for, against, or something other than selling bonds today. He felt that Frisco had made a commitment to the partner cities that should be honored and was concerned that the relationship had been damaged by discussion of a revote and that was not something he could support. Mr. Allen commented that if the citizens presented a petition, that was certainly their prerogative but as a Councilman on a board it was not something he must address today and he did not intend to. As far as budget and overruns, this was something that Council could control with supervision and he felt that the ACC board was doing a good job. In conclusion, Mr. Allen stated that he supported the project and does not feel a need to take action on the item today.

Scott Johnson commented that his position has not changed with his goal being to listen to the voice of the citizens and felt that if the citizens wanted to vote, he wanted to make that happen and if they did not want to vote, he wanted to make that happen as well. He was concerned with the specificity of the information presented to the citizens about the four city/three city project, some were concerned about raising taxes, and still felt that now was not the time to sell the bonds in tough economic times. He suggested that there should be more transparency within the ACC and interest from the Council to be involved as an ACC Board member.

Mayor Maso felt that he had heard from this Council that there was support for this project and realized that there needs to be more conversation with the citizens and ACC Board. He had spoken with the Mayor of McKinney who said that McKinney did not pull out support but voted to not move forward by 73 votes at that time. Right or wrong, the three cities decided to move forward in 2003. Frisco prides it's self on making good investments with good returns to bring tourism dollars in historically resulting in the lowest taxes in North Texas. He agreed that there needed to be more transparency and disclosure and a referendum was a possibility although he encouraged citizens to investigate the referendum requirements with the City Secretary not the City Attorney because she was more accessible and that was her job. In conclusion, Mayor Maso

stated that he clearly heard from this Council that now is not the time to sell bonds but there is support for the project with more discussion and participation from the Council, ACC staff, and partner cities.

Again, Mayor Maso waived the option of allowing citizens to speak in the interest of the volume presented and time.

David Prince stated that he was there in 2002 and heard the information presented as there were four cities participating and there would be approximately \$100,000 annual maintenance expense. As a citizen he asked what other safeguards were in place. The answer was, "if all four cities are not in agreement, it is over." Later, the remaining three cities continued the project without citizen's approving the change. He voted for the project with stipulations. Suddenly, the game was different. He continued by stating that there had been a lot of talk about how to fix the ACC but very little time was spent discussing the citizens feelings of disservice and didn't get an opportunity to vote. Mr. Prince said that he did not hear verbally for the record from anyone but Pat Fallon, that a referendum would be seriously considered.

Mayor Maso commented that the referendum process is in the Charter and the Council would be obligated to consider it and would. He also disputed the Maintenance and Operations figures given by Mr. Prince.

Scott Johnson stated with all due respect, that he did not owe another Councilman a pledge. He owed the citizens good government and that's what he would do, but he would not pledge to another Councilman that he would do certain things.

Bart Crowder debated that the ballot language in Proposition 10 of the bond was vague.

Mayor Maso gave 3 options for action :

- 1) Call a Special Election in May 2010 to revoke the sale of bonds for the Arts of Collin County project
- 2) Not to call a Special Election in May 2010 to revoke the sale of bonds for the Arts of Collin County project
- 3) Take no action

City Attorney Richard Abernathy clarified that if council voted to approve the ordinance they would be calling an election to revoke the 16.4 million dollars in bonds that have not been issued for the project.

David Prince moved to approve an Ordinance Ordering an Election for the Purpose of Submitting to the Qualified Voters of Frisco a Proposition to Revoke the Authority to Issue Bonds for a Performing Arts Center also known as the

Arts of Collin County Project. The motion failed due to the lack of a second.

Bart Crowder moved to take No Action and Recess into Closed Session in regard to LGC Sections 551.071, 551.071, and 551.087, at 4:04 p.m. Bob Allen seconded the motion. All were in favor. 6-0

Bob Allen moved to Reconvene at 4:53 p.m. David Prince seconded the motion. 6-0

Mayor Maso announced there was no action to take in regard to Closed Session.

As a summary to the discussion Council asked staff to schedule a work session between the three partner cities and the ACC Board.

ADJOURN

Bob Allen moved to Adjourn at 5:54 p.m. Pat Fallon seconded the motion. All were in favor. 6-0

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary